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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/523,615

02/01/2005

Dietmar Mader

PP/1-22728/A/PCT

1362

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EXAMINER

JOHNSON, CONNIE P

ART UNIT

PAPER NUMBER

1795

MAIL DATE

DELIVERY MODE

06/04/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/523,615	Applicant(s) MADER ET AL.	
	Examiner CONNIE P. JOHNSON	Art Unit 1795	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 25-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 25-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. On 5/21/2008, the petition under the unintentional provisions of 37 CFR 1.137(b) is granted.

Election/Restrictions

2. Applicant's election without traverse of claims 1-16 and 25-28 in the reply filed on 04/27/2006 is acknowledged.

3. Acknowledgement is also made of the election of specie of formula (II-a-2), page 1.

4. Claims 17-24 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected shaped article and multilayered system, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 04/27/2006.

5. The elected specie was not found among the prior art. The elected specie is considered to contain allowable subject matter. The search was continued with the findings below.

Priority

6. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Status

7. Claims 1-16 and 25-28 are pending.

8. Regarding the status of amended claims 19 and 21-23, the claims are drawn to a nonelected group and therefore are not considered at this time.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-16 and 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikeda et al., EP 0557721 A2 in view of Rotzinger et al., U.S. Patent No. 5,955,522.

Ikeda teaches a crystalline polypropylene resin composition comprising a crystalline polypropylene resin and a β -nucleating agent (abstract). Ikeda also teaches a method for improving light stability by adding piperidine to the composition as in instant claim 16. The composition may also include an elastomer (page 9, line 38). Polypropylene meets the limitation of an α -olefin comprising greater than 4 carbons and is a thermoplastic polyolefin. The β -nucleating agent is added to the polypropylene resin to produce a β -form content of 40 to 97% (page 9, lines 15-18). The polypropylene resin may comprise a homopolymer as in example 1. The resulting mixture is placed in a mold at 60°C to solidify to form a 0.5mm thick sheet. The molding temperature meets the limitation of instant claim 8. Since the haze value is determined by the amount of polypropylene resin in the composition, it is expected that the amount of polypropylene resin would be added to optimize the haze value. Ikeda teaches β -nucleating agents in

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general but not the specific compound of formula I. However, Rotzinger teaches preparation of a piperidine light-stabilizer, containing the component formula (II-a-1) of the instant claims (see Rotzinger, column 35). It would have been obvious to one of ordinary skill in the art to use the piperidine light-stabilizer of Rotzinger in the polypropylene resin composition of Ikeda because Ikeda teaches the addition of β -nucleating agents for the purpose of improved aspect of product color (i.e. light).

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Connie P. Johnson whose telephone number is 571-272-7758. The examiner can normally be reached on 7:30am-4:00pm Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly can be reached on 571-272-1526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Connie P. Johnson
Examiner
Art Unit 1752

/Cynthia H Kelly/

Supervisory Patent Examiner, Art Unit 1795